

On one occasion during the fourth quarter of 2000, on Sunday, October 29, 2000 during the noon to 12:30 p.m. half-hour, KABC-TV inadvertently exceeded by fifteen seconds the commercial limits for children's programming. During that half hour, KABC aired "The New Adventures of Winnie the Pooh," a half-hour ABC Television Network program primarily designed for children 12 and under, which contained a total of 5.5 minutes (5 minutes and 30 seconds) of commercial matter. This exceeded by 15 seconds the commercial limit applicable to an isolated half-hour island of children's programming.

The fifteen-second overage was attributable to the rescheduling of "The New Adventures of Winnie the Pooh" from its normal time slot, on Saturday, October 28, 2000 at 11:00 a.m., to Sunday, October 29, 2000 at noon, to accommodate the Nebraska vs. Oklahoma College football game. Normally, "Winnie the Pooh," with a total of 5 minutes 30 seconds of commercial matter, is immediately followed in the 11:30 a.m. to noon time slot by another half-hour program primarily designed for children 12 and under, "Mickey's Mouseworks," which contains a total of 5.0 minutes of commercial matter. The two programs together constitute a single clock hour of children's programming and comply with the applicable 10.5-minute commercial limit.

On Saturday, October 28, 2000, however, the station ran the Nebraska vs. Oklahoma college football game beginning at 9:00 a.m., immediately followed by two other live sporting events, and therefore moved the October 28, 2000 episode of "The New Adventures of Winnie the Pooh" to the following day, Sunday, October 29, 2000, at noon, which was the only available time slot. When it was moved to Sunday, "Winnie the Pooh" was no longer paired in the same clock hour with a companion children's program. Rather, it was followed in its clock hour by another network sporting event. "Winnie the Pooh" constituted an isolated half-hour island of children's programming within its clock hour and was thus subject to commercial limits of only 5.25 minutes. With its 5.5 minutes of commercial matter, "Winnie the Pooh" that day exceeded the commercial limits by 15 seconds.

Normally, there are steps in place at the network and the station to prevent such a commercial overage. Network preemptions of children's programming to accommodate network sports are usually decided on months in advance of the affected date, and the network schedules the makegoods within time slots generally devoted to network programs, with careful attention to the commercial limits. Affiliates are advised by wire of the network children's schedule and of the stations' responsibility for assuring compliance with the commercial limits if they alter that schedule in any way. In this case, however, the decision to carry the college football game beginning at 9:00 a.m. on the West Coast was made by the network late on Friday afternoon, October 27, due to great public interest in the game between the #1 and #2 rated teams, who were not expected to be in that position when the college football schedule was first set. Two other games were already scheduled on the West Coast for later that day, and as a result the network had no time slot to offer for the makegoods of "Winnie the Pooh" that weekend and left it to individual stations to find an appropriate time slot on their schedules the next day. In the confusion surrounding the communications of this last-minute change, KABC thought that the network had approved any potential rescheduling of the program as FCC-compliant, and did not realize that it would violate commercial limits by failing to ensure that "Winnie the Pooh" remained side by side in the same clock hour with a children's program that only contained five minutes of commercial matter.

After the error was discovered, both the network's Affiliate Relations Department and the KABC Programming Department were reminded of the operation of the commercial limits and were orally counseled to be more careful in rescheduling, or requesting rescheduling, of network programs to ensure that any proposed new placement would not cause an otherwise conforming program to exceed the commercial limits.